

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

SEP 25 2012

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

UNITED STATES OF AMERICA

-vs-

CAUSE NO. A-12-CR-102-SS

MOHAMMED ALI YASSINE (1)


ORDER

BE IT REMEMBERED on this day, the Court called a hearing in the above-styled cause, and in open court, with all parties present with their counsel, considered the United States of America's Corrected Motion to Consolidate Cases [#98], in which the Government proposes to consolidate this case with cause number A-12-CR-105-SS, and Defendant Mohammed Ali Yassine's Response [#100] thereto. Having considered the arguments of counsel, the documents, and the files as whole, the Court now enters the following opinion and order.

When there are multiple defendants, the standard for joinder (or subsequent consolidation) is the following:

(b) Joinder of Defendants. The indictment or information may charge 2 or more defendants if they are alleged to have participated in the same act or transaction, or in the same series of acts or transactions, constituting an offense or offenses. The defendants may be charged in one or more counts together or separately. All defendants need not be charged in each count.

FED. R. CRIM. PRO. 8(b); *United States v. Park*, 531 F.2d 754, 731 n.4 ("Recent cases, however, make it clear that this Circuit is in line with the prevailing view that subsection (a) applies only when a single defendant is involved and subsection (b) applies only to cases involving multiple defendants.") (citations omitted).



Here, the events in question do not constitute a single series of acts or transactions, but rather, the relevant charge in cause number A-12-CR-102-SS concerns a narcotics transaction which was completed in on January 11, 2008, whereas the relevant money laundering conspiracy alleged in A-12-CR-105-SS did not commence until October 10, 2008. Defendants Hadi Yassine and Hussein Ali Yassine are not alleged to have participated in the narcotics transaction at issue in the former case. Conversely, Defendant Mohammed Yassine is not charged in any of the same counts with Hadi or Hussein Ali Yassin in the latter case. The Government chose to file these charges in separate lawsuits, and separate they will remain. Accordingly, the motion to consolidate is DENIED.

IT IS ORDERED that the United States of America's Corrected Motion to Consolidate Cases [#98] is DENIED.

SIGNED this the 24th day of September 2012.



SAM SPARKS
UNITED STATES DISTRICT JUDGE